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17.07.2023
Court No. 35
D.Hira

WPA 23551 of 2018

S.M. Shahid Alam
Vs.
The State of West Bengal & ors.

Mr. Ganesh Shrivastava,
Mr. Sukanta Das,
Ms. Lopamudra Maitra.
... for the petitioner

Mr. Naba Kumar Das,
Mr. D. Ghosh Dastidar.
... for the C.E.S.C./
respondent no. 6

Mr. Pantu Deb Roy, Id. A.G.P.,
Mr. Pannalal Bandopadhyay.
... for the State

Petitioner is aggrieved by inaction of the respondent no. 3 in completing survey as regards the Wakf properties in Kolkata. It has been pointed out by referring annexure P-1 that on September 29, 2010, the Additional Survey Commissioner of Wakfs was appointed, for the purpose of making survey of Wakfs, in the area comprised within the territorial jurisdiction of the Kolkata Municipal Corporation, in the State of West Bengal.

Petitioner is further aggrieved that in spite of orders being there upon the respondent no. 2, by Courts, one of which he has annexed with this writ petition as annexure P-12, the said respondent has been inactive and indolent and has not complied with the directions made upon it, by completing the process of survey.

Perused the order dated November 3, 2017 of the Hon'ble Division Bench.

None appears on behalf of the Kolkata Municipal Corporation.

Perused the annexed documents, which are specifically relied on by the petitioner. It appears that respondent no. 3 after being appointed, as the Additional Survey Commissioner of Wakfs is still to complete the work of survey of the wakf estates in and within the territorial jurisdiction of the Kolkata Municipal Corporation.

There have been directions, more than once upon the respondent no. 3, to complete the job of survey, though, the same is unattended, till date.

Therefore, let the present writ petition be disposed of by directing the respondent no. 3 to complete the job of surveying wakf estates within the stipulated area, which has already been undertaken (as per the Hon'ble Division Bench's order dated November 3, 2017), within a period of six months positively and strictly in terms of provisions under Sections 4 and 5 of the Waqf Act, 1995. Respondents including Nos. 5, shall extend all assistance, in completion of the said work of respondent no. 3, if and when sought for.

Upon completion, the respondent no. 3 shall send a report thereof to the respondent no. 5 as well as the writ petitioner.

WPA 23551 of 2018 is disposed of.

All pending applications, if any, are consequently disposed of.

Certified website copies of this order, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

(Rai Chattopadhyay, J.)